

**TESTIMONY OF THE HON. THOMAS E. PEREZ, MONTGOMERY COUNTY COUNCIL
IN OPPOSITION TO HB 1152**

**THE HONORABLE JOHN ADAMS HURSON, CHAIR
HEALTH AND GOVERNMENT OPERATIONS COMMITTEE
MARCH 9, 2005**

My name is Thomas E. Perez, and I am President of the Montgomery County Council. I am also an Assistant Professor of Law at the University of Maryland. I am here today in my capacity as President of the Montgomery County Council.

I am here to strongly oppose HB 1152. This bill is unnecessary and potentially illegal. In the past decade, Montgomery County has become one of the most diverse and populous counties in Maryland with a population of approximately 900,000 residents. In the last decade, we have seen a dramatic increase in the number of immigrant families residing in our county. They represent at least 173 countries and speak at least 135 languages in addition to English. I welcome our newest residents, and I am concerned that this bill would make it increasingly more difficult for limited English proficient individuals to access government services. This bill would require that official government documents be published in English, and that official government business be conducted in English.

If we want people to learn English, we should support increased state funding for adult education. Maryland is ranked 46th nationally for level of State resources committed to adult education. Among East Coast states, Maryland is at the bottom of the list with expenditures of \$45 dollars per student. The State's lack of commitment to adult education and HB 1152 are both unacceptable and send a confusing message to immigrant communities that are trying desperately to become self-sufficient and contributing members of our society.

HB 1152 potentially clashes with existing federal laws. There are strong federal laws that require local, state, and federal agencies to provide limited English proficient individuals with access to critical government services. In fact, Title VI of the Civil Rights Act of 1964 prohibits recipients of federal funds from discrimination based on race, color, or national origin. The application of Title VI extends to providing meaningful access to individuals who are limited English proficient.

In August 2000, President Clinton issued Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency to Federal Agencies. The Executive Order requires all federal agencies to prepare LEP plans, and issue guidelines to their funding recipients that clarify what it means to provide meaningful access to LEP persons. The federal Department of Justice (DOJ) has been assigned lead responsibility for coordinating and implementing Executive Order 13166. DOJ has issued guidance that establishes a four-factor analysis that defines what it means to provide meaningful access.

HB 1152 is unnecessary. This bill seeks to weaken existing state laws that protect the rights of LEP residents. Maryland law “The Limited English Proficient Act,” enacted in 2002, requires that State agencies take reasonable steps to provide equal access to public services for individuals with limited English proficiency.” The Act also established annual implementation deadlines for various State agencies between 2003 and 2006. That bill put the State of Maryland on the right track. I don’t see the need to weaken the laws we have in place.

Recent immigrants, more than anyone, comprehend the need to learn English. In Montgomery County and across the state immigrants are eager to learn English and continue their education. Montgomery County alone serves approximately 23,800 students and has waiting lists of well over 2,000 residents per year. Most importantly, adults taking English courses have indicated that they are committed to improving their English in order to access higher paying jobs, assist their children in school, and become self-sufficient. **However, limited English proficient individuals should not be penalized for speaking their native language or not speaking English fluently. We need to support them in their desire to learn English.**

I respectfully ask that you oppose HB 1152, and instead, support funding for adult education.

Thank You.

